

REMARKS**Status of the Claims**

Claims 1 - 33 are pending in the application, of which claims 9 - 33 are cancelled. Claims 1 - 8 stand rejected. Claim 1 is amended above. Applicants request reconsideration of the rejection of the claims and re-examination of the application.

Claims 1-8 are Patentable over Mabry et al.

Claims 1 - 8 stand rejected under Section 103(a) over Mabry et al. (US 6,040,364). The rejection is respectfully traversed.

For the reasons set forth in the Applicants' response to the prior Office Action, Mabry et al. does not teach or suggest a bale of elastomer composite comprising elastomer composite pieces as defined by the claim. The Examiner acknowledges that Mabry et al. does not disclose a bale of elastomer composite having a void volume of at least 3%, as required by claim 1. The void volume is taught in the present specification to facilitate processing of the bales by industry equipment.

In contrast, Mabry et al. does not recognize any difficulty in the processing of bales. Thus, Mabry et al. fails to recognize the problems solved by claim 1. Since Mabry et al. lacks recognition of the problem solved by the invention of claim 1 and lacks any teaching or suggestion of a void volume of at least 3% to solve the problem, Mabry et al. cannot fairly be said to disclose the invention of claim 1. On this basis alone, claim 1 and its dependent claims should be found allowable over Mabry et al.

Nevertheless, in order to expedite prosecution with respect to selected subject matter, claim 1 is amended above. Specifically, claim 1 is amended above to now also recite that the elastomer composite pieces have a Mooney viscosity of at least 100. The art of record does not teach or suggest the problem of processing bales formed of elastomer composite pieces formed by the recited method steps and having a Mooney

viscosity of at least 100. And, so, the art of record certainly cannot be said to teach or suggest or point one skilled in the art to the claimed solution of providing a void volume of at least 3% in bales formed of elastomer composite pieces having a Mooney viscosity of at least 100.

Support is provided throughout the specification for the criticality of Mooney viscosity in the context of the bales of claim 1. In particular, for example, Mooney viscosity is expressly mentioned in the discussion of paragraph [0024], that in the production of tires or other products, certain process equipment, e.g., Banbury mixers and the like, cannot readily process the baled product without additional processing, such as mastication of the elastomer composite. Over mastication of the composite is noted as potentially adversely affecting desired characteristics and operating parameters of the elastomer composite.

Accordingly, claim 1 should now be found allowable over the art of record.

With respect to independent claim 8, the arguments presented above are also applicable. Mabry et al. fails to teach or suggest a bale of elastomer composite comprising elastomer composite pieces, wherein the elastomer composite pieces comprise an elastomer and filler, wherein the bale has a void volume of at least 3% and wherein the elastomer composite pieces have a Mooney viscosity of at least 100.

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Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request allowance of all claims under consideration in the application and that the application be passed to issue.

Respectfully submitted,

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Date

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